

Appl. No. 10/066,099  
Amdt. dated December 21, 2005  
Reply to Office Action of September 21, 2005

PATENT

**REMARKS/ARGUMENTS**

Claims 1-34 remain pending in the application. All pending claims were rejected in the Office Action dated September 21, 2005. Applicant respectfully traverses the rejections and requests reconsideration and allowance.

**Discussion of Rejections Under 35 U.S.C. §102**

Claims 31 and 34 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,450,816 to Gerber (hereinafter Gerber). In order for a claim to be anticipated by a reference, each and every element as set forth in the claim, must be described, either expressly or inherently, in the single prior art reference. Applicant contends that Gerber fails to describe every element as set forth in the claims and respectfully requests reconsideration and allowance of the claims.

Claim 31 recites a combat interrogatory unit that includes "receiver means for receiving a reflected IR transmit signal including a response code of the day (RCOD)." The combat interrogatory unit also includes "means for combining the received RCOD with the TCOD to identify the source of the reflected IR transmit signal as friend or foe." Neither of these claimed elements are described in Gerber.

The Examiner contends that Gerber describes a receiver for receiving a *reflected* IR transmit signal. However, this is not described in Gerber. Instead, Gerber describes a system in which a first soldier (soldier A) requests a second soldier (soldier B) to identify himself. Soldier A transmits a coded message on a laser beam to soldier B. Gerber, Col. 3, ll. 46-53. Soldier B receives the coded message on the laser beam and "*an LED transmitter 68 on the harness 6 of soldier B transmits an acknowledgement code.*" *Id.*, at ll. 60-62.

Therefore, Gerber does not describe a reflected IR transmit signal. Instead, Gerber describes a separate LED transmitter at the soldier receiving the initial coded message on the laser beam signal. The separate LED transmitter transmits an acknowledgement to the requesting soldier (soldier A). Gerber fails to describe any instance where a receiver receives a reflected IR transmit signal that includes a response code of the day.

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Gerber only describes two instances of reflected laser signals. The first deals with incident signals that are reflected off of the soldier and detected at a detector. *See, Gerber*, Col. 6, ll. 48-52. It is clear that these reflected signals are reflections of the incident laser beam and do not include a response code of the day. The second description of a reflected signal describes a reflection of the transmitted signal from dirt or some other obstacle placed in the beam of the laser. *See, Id.*, at Col. 10, ll. 11-15. This reflected signal also does not include a response code of the day because it is generated by an obstacle and not the desired target. Thus, Gerber does not describe any receiver that receives "a reflected IR transmit signal including a response code of the day (RCOD)."

Additionally, Gerber fails to describe any "means for combining the received RCOD with the TCOD to identify the source of the reflected IR transmit signal as friend or foe." Gerber does not describe any combination of a transmit code of the day with the response code of the day. Instead, the message transmitted by the targeted soldier (soldier B) expressly includes an acknowledgement message or code. "The acknowledgement code can be arbitrarily selected by the unit operating the system. For example, it can consist of the name of soldier B, or of the battalion, the position (GPS coordinates) or arbitrary other terms." *Gerber*, at Col. 3, ll. 62-65. Gerber does not describe any instance where the friend or foe identification is based on "combining the received RCOD with the TCOD." Thus, Gerber fails to anticipate claim 31 for failing to describe this element independent of any other reason.

Claim 31 is believed to be allowable because Gerber fails to describe at least two elements as set forth in the claim. Gerber does not describe a receiver that receives "a reflected IR transmit signal including a response code of the day (RCOD)," and fails to describe any "means for combining the received RCOD with the TCOD to identify the source of the reflected IR transmit signal as friend or foe."

Claim 34 depends from claim 31 and is believed to be allowable at least for the reason that it depends from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 31 and 34.

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**Discussion of Rejections Under 35 U.S.C. §103**

Claims 32 and 33 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gerber '816 in view of U.S. Patent No. 5,459,470 to Wootten et al. (hereinafter Wootten).

As discussed above, Claim 31 is allowable over Gerber '816, because Gerber '816 fails to describe every element as set forth in the claim. Wootten does not describe those features of claim 31 absent from Gerber '816. Claims 32 and 33 depend from claim 31 and are believed to be allowable at least for the reason that they depend from an allowable base claim.

Claims 1, 7, 9-11, 17, 21-25, 27, and 30 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,143,263 to Eichweber (hereinafter Eichweber) in view of U.S. Patent No. 5,966,226 to Gerber (hereinafter Gerber '226).

In order to establish a prima facie case of obviousness, the prior art references must teach or suggest all claim limitations. There must be some suggestion or motivation to modify the reference or combine the reference teachings. Also, there must be a reasonable expectation of success in the combination or modification. Applicant respectfully believes the references, either alone or in combination, fail to teach or suggest all claim limitations.

Claim 23 has been amended to indicate that "the TCOD including a periodically updated code of the day (COD) portion and a randomly generated portion." Support for the amendment can be found in Applicant's Specification, for example, at Fig. 7 and the associated description at page 15, ll. 6-17.

Neither Eichweber nor Gerber '226 describe a Transmit Code of the Day (TCOD) that includes a periodically updated code of the day portion. Furthermore, neither cited reference describes a TCOD that includes a randomly generated portion. The Wootten reference describes randomly selecting a message. Wootten, Col. 4, ll. 23-24 ("[T]he message be selected at random in order to prevent an enemy from readily duplicating it.") (*emphasis added*). However, Wootten fails to describe a TCOD that includes a periodically updated COD portion and a randomly generated portion. Thus, claim 23 is believed to be allowable at least for the reason that the cited references fail to teach or suggest all of the features of claim 23.

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**Claim 1** recites a method for identifying a friend or foe. The method includes "combining the received RCODE with the TCODE to identify the combat response unit as friend or foe."

**Claim 11** recites a system for combat identification as friend or foe. The system includes a combat interrogatory unit comprising "means for combining the received RCODE with the TCODE to identify the source of the reflected IR transmit signal as friend or foe."

The cited references, Eichweber and Gerber '226, whether alone or in combination, fail to teach or suggest these claimed features. The Examiner contends that Eichweber describes the claimed features at Col. 1, ll. 31-40. However, in this portion, Eichweber merely describes that the target, upon receipt of an interrogation signal "triggers the transmission of a suitably coded answer signal to the interrogating station." *Eichweber*, at Col. 1, ll. 34-36. Eichweber further states: "Dependent upon whether this answer is or is not received, further operations are then controlled at the interrogating station, for example, the releasing of target bombardment." *Id.*, at 36-39.

The cited portion of Eichweber fails to teach or suggest that a transmit code of the day be combined with a received response code of the day to determine a source of the reflected IR signal as friend or foe. Eichweber merely describes receiving a suitably coded answer signal. There is no discussion of combining the received signal or portions of the received signal with a transmitted signal to determine friend or foe.

Eichweber and Gerber '226 fail to teach or suggest every feature of claims 1 and 11. Therefore, claims 1 and 11 are believed to be allowable and Applicant respectfully requests reconsideration and allowance of the claims.

Claims 2-10, 12-22, and 24-30 depend, either directly or indirectly, from one of claims 1, 11, or 23 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 2-10, 12-22, and 24-30.

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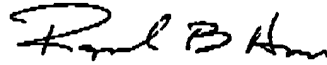
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**CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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